

REMARKS/ARGUMENTS

I. General Remarks.

Please consider the application in view of the following remarks. Applicant thank the Examiner for his careful consideration of this application.

Applicant has not included a listing of claims in this Response because Applicant has not made any claim amendments herein. *See Manual of Patent Examining Procedure* § 714(II)(C) (2004) (hereinafter “MPEP”).

II. Disposition of the Claims.

Claims 1-41 are pending. Claims 1-41 stand rejected.

III. Remarks Regarding Rejections under 35 U.S.C. § 102.

The Examiner has rejected claims 1, 6-8, 10-11, 18, 23-25, 27-28, and 36-41 under § 102(b) as being anticipated by U.S. Patent No. 6,209,643 issued to Nguyen et al. (“*Nguyen* ‘643”). Applicants respectfully disagree.

Nguyen ‘643 does not disclose, expressly or inherently, every element of claims 1, 6-8, 10-11, 18, 23-25, 27-28, and 36-41 as required to anticipate these claims. *See* MPEP § 2131. In particular, with respect to independent claims 1 and 18, *Nguyen* ‘643 does not disclose “placing a tackifying composition into the subterranean formation so as to form a coating on one or more particulates present in the subterranean formation, wherein the one or more particulates were present in the subterranean formation prior to the placement of the tackifying composition therein.” Rather than disclosing this recitation, *Nguyen* ‘643 provides that:

[A] method of treating a subterranean formation penetrated by a wellbore is provided comprising the steps of providing a fluid suspension including a mixture of a particulate material, a material comprising a liquid or solution of a tackifying compound, *which coats at least a portion of the particulate upon admixture therewith* . . . pumping the fluid suspension including the coated particulate . . . through the wellbore and depositing the mixture in the formation.

(*Nguyen* ‘643, Col. 3, ll. 36-49.) (emphasis added.) Thus, rather than disclosing the step recited in claims 1 and 18, *Nguyen* ‘643 discloses that the tackifying compound coats particulate material with which the tackifying compound is admixed. (*Nguyen* ‘643, Col. 3, ll. 36-49.) *Nguyen* ‘643 thus does not teach or suggest the step of placing a tackifying composition into the subterranean formation so as to form a coating on one or more particulates present in the

subterranean formation, wherein the one or more particulates were present in the subterranean formation prior to the placement of the tackifying composition therein as recited in independent claims 1 and 18.

The Office Action, however, alleges that *Nguyen* '643 "teaches in column 9, lines 12-18 a method of controlling fines migration in a subterranean formation comprising the step[] of . . . placing a tackifying composition into the subterranean formation so as to form a coating on one or more particulates present in the subterranean formations wherein the one or more particulates were present in the subterranean formation prior to the placement of the tackifying composition therein." (Office Action at 2.) Nowhere does this passage from *Nguyen* '643 cited by the Office Action disclose, expressly or inherently, the recited step of independent claims 1 and 18. Rather, in its entirety, this passage of *Nguyen* '643 provides that:

In an alternate embodiment, the particulate may be precoated with either the tackifying compound or the hardenable resin prior to admixing with a treatment fluid and the other constituents for use in a subterranean formation. In some instances, resin precoated particulates may be utilized and the tackifying compound then would be added during performance of the subterranean treatment. Depending upon the type of resin coating employed, a catalyst then would be added to the treatment fluid or introduced in a flush fluid or the like.

(*Nguyen* '643, Col. 8, ll. 9-18.)

Thus, in this passage, *Nguyen* provides two separate embodiments. First, "the particulate may be precoated with either the tackifying compound or the hardenable resin prior to admixing with a treatment fluid." (*Nguyen* '643, Col. 8, ll. 9-12.) Accordingly, this first embodiment does not disclose placing a tackifying composition into the subterranean formation so as to form a coating on one or more particulates present in the subterranean formation, wherein the one or more particulates were present in the subterranean formation prior to the placement of the tackifying composition therein as recited in independent claims 1 and 18. Nor does the second embodiment contained in this passage of *Nguyen* disclose this recitation. Regarding the second embodiment, *Nguyen* '643 discloses that "[i]n some instances, resin precoated particulates may be utilized and the tackifying compound then would be added during performance of the subterranean treatment." (*Nguyen* '643, Col. 8, ll. 12-15.) In this second embodiment, tackifying compound is added to the treatment fluid containing the resin precoated particulates during performance of the subterranean treatment. (See *Nguyen* '643, Col. 8, ll. 12-

15.) The second embodiment disclosed in this passage thus also does not disclose the required recitation of independent claims 1 and 18.

Therefore, independent claims 1 and 18 are not anticipated by *Nguyen* '243. Accordingly, for at least these reasons, independent claims 1 and 18, and their dependents, claims 6-8, 10-11, 23-25, 27-28, and 36-41, should be allowed.

IV. Remarks Regarding Rejections Under 35 U.S.C. § 103.

A. Claims 2-5 and 19-22 Are Not Obvious Over *Nguyen* '643 in View of *Bannister*.

The Examiner has rejected claims 2-5 and 19-22 under § 103(a) as being unpatentable over *Nguyen* '643 in view of U.S. Patent No. 4,681,165 issued to Bannister et al. ("*Bannister*"). Applicants disagree. As discussed above in Section III, *Nguyen* '643 does not disclose every recitation of independent claims 1 and 18 from which the rejected claims depend. Nor can *Bannister* be used to supply these missing recitations. Accordingly, for at least these reasons, claims 2-5 and 19-22 should be allowed.

B. Claims 12-14 and 29-31 Are Not Obvious Over *Nguyen* '643 in View of *Gilmour*.

The Examiner has rejected claims 12-14 and 29-31 under § 103(a) as being obvious over *Nguyen* '643 in view of U.S. Patent No. 6,534,449 issued to Gilmour et al. ("*Gilmour*"). Applicants disagree. As discussed above in Section III, *Nguyen* '643 does not disclose every recitation of independent claims 1 and 18 from which the rejected claims depend. Nor can *Gilmour* be used to supply these missing recitations. Accordingly, for at least these reasons, claims 12-14 and 29-31 should be allowed.

C. Claims 9, 16-17, 26, and 33-34 Are Not Obvious Over *Nguyen* '643 in View of *Nguyen* '878.

The Examiner has rejected claims 9, 16-17, 26, and 33-34 under § 103(a) as being obvious over *Nguyen* '643 in view of U.S. Patent No. 5,960,878 issued to Nguyen et al. ("*Nguyen* '878"). Applicants disagree. As discussed above in Section III, *Nguyen* '643 does not disclose every recitation of independent claims 1 and 18 from which the rejected claims depend. Nor can *Nguyen* '879 be used to supply these missing recitations. Accordingly, for at least these reasons, claims 9, 16-17, 26, and 33-34 should be allowed.

D. Claims 15 and 32 Are Not Obvious Over *Nguyen* '643 and *Bannister* in View of *Nguyen* ' 878.

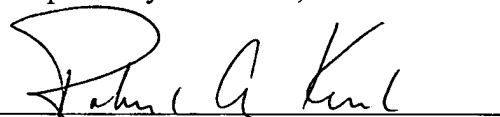
The Examiner has rejected claims 15 and 32 under § 103(a) as being obvious over *Nguyen* '643 and *Bannister* in view of *Nguyen* '878. Applicants disagree. As discussed above in Section III, *Nguyen* '643 does not disclose every recitation of independent claims 1 and 18 from which the rejected claims depend. Nor can *Bannister* or *Nguyen* '879 be used to supply these missing recitations. Accordingly, for at least these reasons, claims 15 and 32 should be allowed.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

Applicants believe that no fees are due in association with the filing of this response. However, should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300 for any underpayment of fees that may be due in association with this filing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Kent", is written over a horizontal line.

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